

109TH CONGRESS  
2D SESSION

# S. 3880

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IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 13, 2006

Referred to the Committee on the Judiciary

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## AN ACT

To provide the Department of Justice the necessary authority to apprehend, prosecute, and convict individuals committing animal enterprise terror.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Animal Enterprise  
5       Terrorism Act”.

1 **SEC. 2. INCLUSION OF ECONOMIC DAMAGE TO ANIMAL EN-**  
2 **TERPRISES AND THREATS OF DEATH AND SE-**  
3 **RIOUS BODILY INJURY TO ASSOCIATED PER-**  
4 **SONS.**

5 (a) IN GENERAL.—Section 43 of title 18, United  
6 States Code, is amended to read as follows:

7 **“§ 43. Force, violence, and threats involving animal**  
8 **enterprises**

9 “(a) OFFENSE.—Whoever travels in interstate or for-  
10 eign commerce, or uses or causes to be used the mail or  
11 any facility of interstate or foreign commerce—

12 “(1) for the purpose of damaging or interfering  
13 with the operations of an animal enterprise; and

14 “(2) in connection with such purpose—

15 “(A) intentionally damages or causes the  
16 loss of any real or personal property (including  
17 animals or records) used by an animal enter-  
18 prise, or any real or personal property of a per-  
19 son or entity having a connection to, relation-  
20 ship with, or transactions with an animal enter-  
21 prise;

22 “(B) intentionally places a person in rea-  
23 sonable fear of the death of, or serious bodily  
24 injury to that person, a member of the imme-  
25 diate family (as defined in section 115) of that  
26 person, or a spouse or intimate partner of that

1 person by a course of conduct involving threats,  
2 acts of vandalism, property damage, criminal  
3 trespass, harassment, or intimidation; or

4 “(C) conspires or attempts to do so;  
5 shall be punished as provided for in subsection (b).

6 “(b) PENALTIES.—The punishment for a violation of  
7 section (a) or an attempt or conspiracy to violate sub-  
8 section (a) shall be—

9 “(1) a fine under this title or imprisonment not  
10 more than 1 year, or both, if the offense does not  
11 instill in another the reasonable fear of serious bod-  
12 ily injury or death and—

13 “(A) the offense results in no economic  
14 damage or bodily injury; or

15 “(B) the offense results in economic dam-  
16 age that does not exceed \$10,000;

17 “(2) a fine under this title or imprisonment for  
18 not more than 5 years, or both, if no bodily injury  
19 occurs and—

20 “(A) the offense results in economic dam-  
21 age exceeding \$10,000 but not exceeding  
22 \$100,000; or

23 “(B) the offense instills in another the rea-  
24 sonable fear of serious bodily injury or death;

1           “(3) a fine under this title or imprisonment for  
2 not more than 10 years, or both, if—

3           “(A) the offense results in economic dam-  
4 age exceeding \$100,000; or

5           “(B) the offense results in substantial bod-  
6 ily injury to another individual;

7           “(4) a fine under this title or imprisonment for  
8 not more than 20 years, or both, if—

9           “(A) the offense results in serious bodily  
10 injury to another individual; or

11           “(B) the offense results in economic dam-  
12 age exceeding \$1,000,000; and

13           “(5) imprisonment for life or for any terms of  
14 years, a fine under this title, or both, if the offense  
15 results in death of another individual.

16           “(c) RESTITUTION.—An order of restitution under  
17 section 3663 or 3663A of this title with respect to a viola-  
18 tion of this section may also include restitution—

19           “(1) for the reasonable cost of repeating any  
20 experimentation that was interrupted or invalidated  
21 as a result of the offense;

22           “(2) for the loss of food production or farm in-  
23 come reasonably attributable to the offense; and

1           “(3) for any other economic damage, including  
2           any losses or costs caused by economic disruption,  
3           resulting from the offense.

4           “(d) DEFINITIONS.—As used in this section—

5           “(1) the term ‘animal enterprise’ means—

6           “(A) a commercial or academic enterprise  
7           that uses or sells animals or animal products  
8           for profit, food or fiber production, agriculture,  
9           education, research, or testing;

10          “(B) a zoo, aquarium, animal shelter, pet  
11          store, breeder, furrier, circus, or rodeo, or other  
12          lawful competitive animal event; or

13          “(C) any fair or similar event intended to  
14          advance agricultural arts and sciences;

15          “(2) the term ‘course of conduct’ means a pat-  
16          tern of conduct composed of 2 or more acts, evidenc-  
17          ing a continuity of purpose;

18          “(3) the term ‘economic damage’—

19          “(A) means the replacement costs of lost  
20          or damaged property or records, the costs of re-  
21          peating an interrupted or invalidated experi-  
22          ment, the loss of profits, or increased costs, in-  
23          cluding losses and increased costs resulting  
24          from threats, acts or vandalism, property dam-  
25          age, trespass, harassment, or intimidation taken

1           against a person or entity on account of that  
2           person's or entity's connection to, relationship  
3           with, or transactions with the animal enter-  
4           prise; but

5                 “(B) does not include any lawful economic  
6           disruption (including a lawful boycott) that re-  
7           sults from lawful public, governmental, or busi-  
8           ness reaction to the disclosure of information  
9           about an animal enterprise;

10           “(4) the term ‘serious bodily injury’ means—

11                 “(A) injury posing a substantial risk of  
12           death;

13                 “(B) extreme physical pain;

14                 “(C) protracted and obvious disfigurement;

15           or

16                 “(D) protracted loss or impairment of the  
17           function of a bodily member, organ, or mental  
18           faculty; and

19           “(5) the term ‘substantial bodily injury’  
20           means—

21                 “(A) deep cuts and serious burns or abra-  
22           sions;

23                 “(B) short-term or nonobvious disfigure-  
24           ment;

1                   “(C) fractured or dislocated bones, or torn  
2                   members of the body;

3                   “(D) significant physical pain;

4                   “(E) illness;

5                   “(F) short-term loss or impairment of the  
6                   function of a bodily member, organ, or mental  
7                   faculty; or

8                   “(G) any other significant injury to the  
9                   body.

10                  “(e) RULES OF CONSTRUCTION.—Nothing in this  
11                  section shall be construed—

12                   “(1) to prohibit any expressive conduct (includ-  
13                   ing peaceful picketing or other peaceful demonstra-  
14                   tion) protected from legal prohibition by the First  
15                   Amendment to the Constitution;

16                   “(2) to create new remedies for interference  
17                   with activities protected by the free speech or free  
18                   exercise clauses of the First Amendment to the Con-  
19                   stitution, regardless of the point of view expressed,  
20                   or to limit any existing legal remedies for such inter-  
21                   ference; or

22                   “(3) to provide exclusive criminal penalties or  
23                   civil remedies with respect to the conduct prohibited  
24                   by this action, or to preempt State or local laws that  
25                   may provide such penalties or remedies.”.

1       (b) CLERICAL AMENDMENT.—The item relating to  
2 section 43 in the table of sections at the beginning of  
3 chapter 3 of title 18, United States Code, is amended to  
4 read as follows:

“43. Force, violence, and threats involving animal enterprises.”.

Passed the Senate September 30 (legislative day,  
September 29), 2006.

Attest:

EMILY J. REYNOLDS,

*Secretary.*